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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/720,594

11/24/2003

Frederic M. Newman

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5037

7590

05/18/2005

Matthew F. Steinheider  
Howrey Simon Arnold & White, LLP  
750 Bering Drive  
Houston, TX 77057

EXAMINER

NGUYEN, THU V

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/720,594

Applicant(s)

NEWMAN, FREDERIC M.

Examiner

Thu Nguyen

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 4-27 is/are pending in the application.
- 4a) Of the above claim(s) 17-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

The amendment filed on March 1, 2005 has been entered. By this amendment, claims 1-3 have been canceled, claims 17-27 have been withdrawn from consideration, and claims 4-27 are now pending in the application.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson (US 4,545,017) in view of Johnson (US 2001/0045549).

As per claim 4, Richardson discloses a process for controlling the speed of a traveling block, the process comprises: determining the speed of the block (col.6, lines 14-19); adjusting the speed of the block to maintain its speed at or below the maximum velocity value (col.5, lines 25-31; col.9, lines 16-22). Richardson does not explicitly disclose comparing the speed of the block to a maximum velocity, and determining the maximum velocity value as a function of the weight of the block, however, since Richardson teaches the capability of monitoring the speed of the block and adjusting the speed of the block when the speed of the block exceeds a predetermined value (col.8, lines 33-43; col.9, lines 1-2), and since comparing the speed with a predetermined value for determining exceeding of the value would have been well known

Richardson obviously encompasses comparing the speed of the block with the predetermined value. Richardson does not explicitly disclose determining maximum velocity as a function of weight of the traveling block. However, Richardson mentions the effect of weight on the speed (col.9, lines 27-35; col.8, lines 59-61) and Johnson teaches determining maximum speed as a function of weight of the traveling block (para 0070). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include consideration of weight in determining the maximum speed of the block in the process of Richardson in order to provide optimal selection of control speed to the block according to the weight of the block.

As per claim 5-6, slowing down the speed of the engine for slowing down the speed of lifting or lowering the block, providing visual or sound warning devices for warning certain condition of a vehicle would have been well known.

As per claim 7-9, Richardson teaches an upper slow down zone (2 feet to 18 feet) with maximum velocity value (0.3 ft/sec-6.7 ft/sec) being lower than the zone below the upper slow down zone (19 ft), and continually decreasing the maximum velocity in the slow down zone (col.8, lines 32-40). Further, using momentum of the block in determining the length of the zones in order to determine the appropriate stopping condition when the block reaches the top position of the hoister would have been well known.

As per claim 10-12, Richardson also teaches a lower slow down zone (distance 6ft-13 ft from the floor) with maximum velocity (6ft/sec) being continuously lower than the maximum

velocity at the point (29 ft-20 ft at speed 7.1 ft/sec-7.5 ft/sec) immediately above the slow down range (col.9, lines 3-22; col.8, lines 15-20). Further, using momentum of the block in determining the length of the zones in order to determine the appropriate stopping condition when the block reaches the top position of the hoister would have been well known.

As per claim 13-14, Richardson teaches stopping the block when the uppermost position is reached (col.7, lines 32-34). Furthermore, sensing the position of the block using metal detector would have been well known.

As per claim 15-16, Richardson teaches slowing the block speed using brake (col.7, lines 23-35; col.9, lines 35-44). Further attaching pneumatic brake to a proportional valve for controlling applied brake pressure; logging data concerning operation or movement of the block for recording and monitoring purpose would have been well known.

### ***Response to Arguments***

3. Applicant's arguments filed on March 1, 2005 have been fully considered but they are not persuasive.

In response to applicant's argument on pages 6-page 8, it is admitted that '017 does not teach determining maximum speed as a function of the weight on the traveling block. However, '549 obviously discloses the limitation. In paragraph 0070, the hoist user selects (or inputs) the weight of the load (the weight is either light, medium, or heavy) (as recognized by applicant in the last paragraph of page 7), then the system determines the maximum speed according to the

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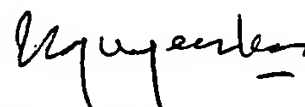
weight (light, medium and heavy) inputted by the user (last 9 lines of paragraph 0070), therefore, the maximum speed is obviously determined as a function of the weight (light, medium, heavy) of the load. Independent claim 4 does not claim a specific method for determining the maximum velocity as explained by applicant in page 8, lines 1-2.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Nguyen whose telephone number is (571) 272-6967. The examiner can normally be reached on T-F (7:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 12, 2005

  
**THU V. NGUYEN**  
**PRIMARY EXAMINER**